



February 14, 2007

HOUSE BILL No. 1392

DIGEST OF HB 1392 (Updated February 12, 2007 11:32 am - DI 110)

Citations Affected: IC 7.1-3.

Synopsis: Alcoholic beverage permits. Allows the alcohol and tobacco commission to issue five additional alcoholic beverage permits to restaurants located in an economic development area in Clarksville in Clark County. Allows the ATC to issue not more than 10 new three-way permits within each of the following: (1) in Schererville and economic development areas near Schererville. (2) in redevelopment project areas in Carmel. (3) a district or within 1500 feet of a district in Mishawaka.

Effective: July 1, 2007.

Van Haaften, Kuzman, Stevenson

January 16, 2007, read first time and referred to Committee on Public Policy.
February 13, 2007, amended, reported — Do Pass.

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HB 1392—LS 7300/DI 87+



February 14, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1392

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.165-2006,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 16. (a) A permit that is authorized by this section
4 may be issued without regard to the quota provisions of IC 7.1-3-22.

5 (b) The commission may issue a three-way permit to sell alcoholic
6 beverages for on-premises consumption only to an applicant who is the
7 proprietor, as owner or lessee, or both, of a restaurant facility in the
8 passenger terminal complex of a publicly owned airport which is
9 served by a scheduled commercial passenger airline certified to
10 enplane and deplane passengers on a scheduled basis by a federal
11 aviation agency. A permit issued under this subsection shall not be
12 transferred to a location off the airport premises.

13 (c) The commission may issue a three-way, two-way, or one-way
14 permit to sell alcoholic beverages for on-premises consumption only to
15 an applicant who is the proprietor, as owner or lessee, or both, of a
16 restaurant within a redevelopment project consisting of a building or
17 group of buildings that:

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- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

- (1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets the following requirements:

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(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this ~~section~~ **subsection** to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be

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renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a ~~retailer's~~ **retailer's** permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) After May 31, 2007, the commission may issue not more than five (5) three-way permits for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in a town with a population of more than twenty thousand (20,000) located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are

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not permitted. A permit issued under this subsection may not be transferred to a location outside the economic development area. If the commission issues five (5) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). If, after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this subsection shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions.

(k) After June 30, 2007, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within:

(1) a town:

(A) that:

(i) has a population of more than twenty-four thousand eight hundred (24,800) but less than thirty thousand (30,000); and

(ii) contains a part of a state nature preserve that is also a National Natural Landmark and is between four hundred (400) and six hundred (600) acres in area; and

(B) that has a downtown area with:

(i) a boundary along the Old Lincoln Highway; and

(ii) boundaries further defined by the town legislative body;

(2) an economic development area, an area needing redevelopment, or a redevelopment district under IC 36-7-14 and whose proposed permit premises are located in an area that:

(A) consists of total of at least twenty-five (25) contiguous or nearly contiguous acres of property dedicated solely to a new commercial development;

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(B) is within three thousand (3,000) feet from the north boundary of the town; and

(C) is adjacent to a state or federal highway that runs in a northerly and southerly direction.

The commission may issue not more than eight (8) permits to applicants who are eligible to hold a permit under subdivision (2); however, not more than four (4) permits may be issued within the same commercial development. The commission may issue not more than one (1) permit to an applicant whose proposed permit premises are located within the downtown area of the town described in subdivision (1)(B). The commission may issue not more than one (1) additional permit to an applicant whose permit premises is located within the downtown area of the town described in subdivision (1)(B), or an area described in subdivision (2); however, the town legislative body must support the issuance of the permit at the proposed location. A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). A permit issued under this subsection to premises within the downtown area of the town may not be transferred to a location outside the downtown area. A permit issued under this subsection to an area described in subdivision (2) may not be transferred to a location outside the area described in subdivision (2). If the commission issues ten (10) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. If, after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions. A permit may not be issued if the proposed permit premises is the location

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of an existing three-way permit subject to IC 7.1-3-22-3.

(l) After June 30, 2007, the commission may issue a total of not more than ten (10) new three-way permits to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant located within a redevelopment project area located within the central area of a city with a population of more than thirty-seven thousand seven hundred (37,700) but less than thirty-eight thousand (38,000). A permit may be issued under this subsection to premises within a redevelopment project area that meets one (1) of the following requirements:

(1) The redevelopment project area consists of an area that:

(A) is generally located in a former commercial area that once had located within it a building formerly used as a grocery store;

(B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include performing arts areas and hotel areas;

(C) is a city center, where a former historic railway that once passed through the center has been converted to a linear park; and

(D) has been redeveloped or renovated or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

(2) The redevelopment project area consists of an area that:

(A) is generally located in an area:

(i) that was formerly the commerce center of a once rural farming community;

(ii) that was founded, at least in part, by Quaker residents;

(iii) where a historic railway depot was built; and

(iv) where an early residence exists that was built about 1848 or earlier;

(B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include art galleries, design centers, urban structures, and outdoor public art consisting in part of bronze sculptures;

(C) is adjacent to or nearby a former historic railway line that has been converted to a linear park;

(D) includes one (1) of the world's smallest children's art

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galleries, an original Carnegie Library building, and the community's early fire station; and

(E) has been redeveloped or renovated, or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the redevelopment project area. If the commission issues ten (10) permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions.

(m) After May 1, 2007, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises and off-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than one thousand five hundred (1,500) feet of a district, that meets the following requirements:

- (1) The district is located in a city with a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000).
- (2) A toll road is located in the district.
- (3) The one thousand five hundred (1,500) feet of property

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1 surrounding the toll road includes significant acres of
2 undeveloped land available in the area that may be used for
3 regional economic development activity.

4 A permit issued under this subsection may not be issued to a
5 tavern. For purposes of this subsection, "tavern" means a permit
6 premises that meets the definition of restaurant under
7 IC 7.1-3-20-9, but is used primarily for the serving of alcoholic
8 beverages by the drink to the general public, and where food
9 service is secondary to the primary use in the amount of sales and
10 the service area where minors are not permitted. A permit issued
11 under this subsection may not be transferred to a location outside
12 the district, or the area that is not more than one thousand five
13 hundred (1,500) feet from the district. If the commission issues ten
14 (10) new permits under this subsection and a permit issued under
15 this subsection is later revoked or is not renewed, the commission
16 may issue another new permit, as long as the total number of active
17 permits issued under this subsection does not exceed ten (10) at any
18 time. The commission shall conduct an auction of the permits
19 under IC 7.1-3-22-9, except that the auction may be conducted at
20 any time as determined by the commission. Notwithstanding any
21 other law, the minimum bid for an initial license under this
22 subsection is thirty-five thousand dollars (\$35,000). If, after the
23 2010 decennial census, the city is authorized by the quota
24 provisions of IC 7.1-3-22 to receive additional three-way permits,
25 any three-way permits issued under this section shall be subtracted
26 from any additional three-way permits that the city may be
27 authorized to receive by the quota provisions.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 32, strike "section" and insert "**subsection**".

Page 4, line 18, strike "retailers" and insert "**retailer's**".

Page 4, delete lines 29 through 42, begin a new paragraph and insert:

"(j) After May 31, 2007, the commission may issue not more than five (5) three-way permits for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in a town with a population of more than twenty thousand (20,000) located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the economic development area. If the commission issues five (5) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). If, after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this subsection shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions.

(k) After June 30, 2007, the commission may issue not more

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than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within:

(1) a town:

(A) that:

(i) has a population of more than twenty-four thousand eight hundred (24,800) but less than thirty thousand (30,000); and

(ii) contains a part of a state nature preserve that is also a National Natural Landmark and is between four hundred (400) and six hundred (600) acres in area; and

(B) that has a downtown area with:

(i) a boundary along the Old Lincoln Highway; and

(ii) boundaries further defined by the town legislative body;

(2) an economic development area, an area needing redevelopment, or a redevelopment district under IC 36-7-14 and whose proposed permit premises are located in an area that:

(A) consists of total of at least twenty-five (25) contiguous or nearly contiguous acres of property dedicated solely to a new commercial development;

(B) is within three thousand (3,000) feet from the north boundary of the town; and

(C) is adjacent to a state or federal highway that runs in a northerly and southerly direction.

The commission may issue not more than eight (8) permits to applicants who are eligible to hold a permit under subdivision (2); however, not more than four (4) permits may be issued within the same commercial development. The commission may issue not more than one (1) permit to an applicant whose proposed permit premises are located within the downtown area of the town described in subdivision (1)(B). The commission may issue not more than one (1) additional permit to an applicant whose permit premises is located within the downtown area of the town described in subdivision (1)(B), or an area described in subdivision (2); however, the town legislative body must support the issuance of the permit at the proposed location. A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily

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for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). A permit issued under this subsection to premises within the downtown area of the town may not be transferred to a location outside the downtown area. A permit issued under this subsection to an area described in subdivision (2) may not be transferred to a location outside the area described in subdivision (2). If the commission issues ten (10) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. If, after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions. A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.

(l) After June 30, 2007, the commission may issue a total of not more than ten (10) new three-way permits to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant located within a redevelopment project area located within the central area of a city with a population of more than thirty-seven thousand seven hundred (37,700) but less than thirty-eight thousand (38,000). A permit may be issued under this subsection to premises within a redevelopment project area that meets one (1) of the following requirements:

- (1) The redevelopment project area consists of an area that:
 - (A) is generally located in a former commercial area that once had located within it a building formerly used as a grocery store;
 - (B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include performing arts areas and hotel areas;
 - (C) is a city center, where a former historic railway that

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once passed through the center has been converted to a linear park; and

(D) has been redeveloped or renovated or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

(2) The redevelopment project area consists of an area that:

(A) is generally located in an area:

- (i) that was formerly the commerce center of a once rural farming community;
- (ii) that was founded, at least in part, by Quaker residents;
- (iii) where a historic railway depot was built; and
- (iv) where an early residence exists that was built about 1848 or earlier;

(B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include art galleries, design centers, urban structures, and outdoor public art consisting in part of bronze sculptures;

(C) is adjacent to or nearby a former historic railway line that has been converted to a linear park;

(D) includes one (1) of the world's smallest children's art galleries, an original Carnegie Library building, and the community's early fire station; and

(E) has been redeveloped or renovated, or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the redevelopment project area. If the commission issues ten (10) permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit as long as the total number of active

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permits issued under this subsection does not exceed ten (10) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions.

(m) After May 1, 2007, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises and off-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than one thousand five hundred (1,500) feet of a district, that meets the following requirements:

- (1) The district is located in a city with a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000).
- (2) A toll road is located in the district.
- (3) The one thousand five hundred (1,500) feet of property surrounding the toll road includes significant acres of undeveloped land available in the area that may be used for regional economic development activity.

A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the district, or the area that is not more than one thousand five hundred (1,500) feet from the district. If the commission issues ten (10) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at

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any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions."

Delete page 5.

and when so amended that said bill do pass.

(Reference is to HB 1392 as introduced.)

VAN HAAFTEN, Chair

Committee Vote: yeas 7, nays 0.

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